

PART 3002—DEFINITIONS OF WORDS AND TERMS

Subpart 3002.1—Definitions

Sec.

3002.101 Definitions.

Subpart 3002.2—Abbreviations

3002.270 Abbreviations.

AUTHORITY: 41 U.S.C. 418b (a) and (b).

SOURCE: 68 FR 67871, Dec. 4, 2003, unless otherwise note.

Subpart 3002.1—Definitions

3002.101 Definitions.

Chief Information Officer (CIO) means the Director of the Office of the CIO.

Chief of the Contracting Office (COCO) means the individual(s) responsible for managing the contracting office(s) within an organizational element (OE).

Chief Procurement Officer (CPO) means the Senior Procurement Executive (SPE).

Contracting activity includes all the contracting offices within an OE and is the same as the term “procuring activity.”

Contracting officer means an individual authorized by virtue of position or by appointment to perform the functions assigned by the Federal Acquisition Regulation and the Homeland Security Acquisition Regulation.

Head of Contracting Activity (HCA) means the individual responsible for direct management of the entire acquisition function within an organizational element.

Head of the Agency means the Secretary of the Department of Homeland Security, or, by delegation, the Under Secretary of Management. “Legal counsel” means the Department of Homeland Security Office of General Counsel or OE office providing legal services to the contracting organization.

Legal review means review by legal counsel.

Major system means an acquisition as defined in Management Directive Number 1400, Investment Review Process.

Micro-purchase threshold means \$2,500 (see (HSAR) 48 CFR 3013-70), except it means—

(1) \$2,000 for construction subject to the Davis-Bacon Act; and

(2) \$7,500 for acquisitions of supplies or services, except for construction subject to the Davis-Bacon, if the Secretary determines in writing that the mission of the Department (described in Pub. L. 107-296, Sec. 101) would be seriously impaired without the use of such authorities, Act (Pub. L. 107-296, section 833).

Organizational Element (OE) means the following entities for purposes of this chapter:

(1) Bureau of Customs and Border Protection (CBP);

(2) Bureau of Immigration and Customs Enforcement (ICE);

(3) DHS Office of Procurement Operations (OPO);

(4) Federal Emergency Management Agency (FEMA) (Includes all elements of the Emergency Preparedness and Response Directorate);

(5) Federal Law Enforcement Training Center (FLETC);

(6) Transportation Security Administration (TSA); (TSA is exempt from the HSAR and HSAM according to the “Aviation and Transportation Security Act of 2001”);

(7) U.S. Coast Guard (USCG); and

(8) U.S. Secret Service (Secret Service).

Senior Procurement Executive (SPE) for the Department of Homeland Security is the Chief Procurement Officer (CPO).

Simplified acquisition threshold means \$100,000 (see (HSAR) 48 CFR 3013-70), except that for acquisitions of supplies or services that, if the Secretary determines in writing that the mission of the Department (described in Pub. L. 107-296, section 101) would be seriously impaired without the use of such authorities from November 25, 2002 to December 30, 2007 (Pub. L. 107-296, section 833(c)), the term means—

(1) \$200,000 for any contract to be awarded and performed, or purchase to be made, inside the United States; and

(2) \$300,000 for any contract to be awarded and performed, or purchase to be made, outside the United States.

Subpart 3002.2—Abbreviations

3002.270 Abbreviations.

CFO Chief Financial Officer

Homeland Security Department

3003.204

CIO Chief Information Officer
COCO Chief of the Contracting Office
COR Contracting Officers Representative
COTR Contracting Officer's Technical Representative
CPO Chief Procurement Officer
D&F Determination and Findings
DOTBCA Department of Transportation Board of Contract Appeals
FOIA Freedom of Information Act
HCA Head of Contracting Activity
J & A Justification and Approval for Other than Full and Open Competition
KO Contracting officer
MD Management Directive
OCPO Office of the Chief Procurement Officer
OE Organizational Element
OIG Office of the Inspector General
OSDBU Office of Small and Disadvantaged Business Utilization
PCR SBA's Procurement Center Representative
RFP Request for Proposal
SBA Small Business Administration
SBS Small Business Specialist
SPE Senior Procurement Executive

PART 3003—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

Subpart 3003.1—Safeguards

Sec.
3003.101 Standards of conduct.
3003.101-3 Agency regulations.

Subpart 3003.2—Contractor Gratuities to Government Personnel

3003.203 Reporting suspected violations of the Gratuities clause.
3003.204 Treatment of violations.

Subpart 3003.3—Reports Of Suspected Antitrust Violations

3003.301 General.

Subpart 3003.4—Contingent Fees

3003.405 Misrepresentations or violations of the Covenant Against Contingent Fees.

Subpart 3003.5—Other Improper Business Practices

3003.502 Subcontractor kickbacks.
3003.502-2 Subcontractor kickbacks.

Subpart 3003.9—Whistleblower Protections for Contractor Employees

3003.901 Definitions.

AUTHORITY: 41 U.S.C. 418b (a) and (b).

SOURCE: 68 FR 67871, Dec. 4, 2003, unless otherwise note.

Subpart 3003.1—Safeguards

3003.101 Standards of conduct.

3003.101-3 Agency regulations.

(a) Government-wide and Department of Homeland Security regulations governing the conduct and responsibilities of employees are contained in 5 CFR parts 2635 and 3101, and MD 0480, Ethics/Standards of Conduct.

Subpart 3003.2—Contractor Gratuities to Government Personnel

3003.203 Reporting suspected violations of the Gratuities clause.

(a) Suspected violations of the Gratuities clause shall be reported to the contracting officer responsible for the acquisition (or the COCO if the contracting officer is suspected of the violation). The contracting officer (or the COCO) shall obtain from the person reporting the violation, and any witnesses to the violation, the following information:

(1) The date, time, and place of the suspected violation;

(2) The name and title (if known) of the individual(s) involved in the violation; and

(3) The details of the violation (*e.g.*, the gratuity offered or intended) to obtain a contract or favorable treatment under a contract.

(4) The person reporting the violation and witnesses (if any) shall be requested to sign and date the information certifying that the information furnished is true and correct.

(b) The contracting officer shall submit the report to the COCO (unless the alleged violation was directly reported to the COCO) and the Head of the Contracting Activity (HCA) for further action. The COCO and HCA will determine, with the advice of OE legal counsel, whether the case warrants submission to the OIG, or other investigatory organization.

3003.204 Treatment of violations.

(a) The HCA is the individual to determine whether a Gratuities clause